

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

INTELLECTUAL SCIENCE AND
TECHNOLOGY, INC.,

Case No. 06-10409

Plaintiff,

Honorable Avern Cohn

vs.

JVC AMERICAS CORP.

Defendant.

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Thomas M. Schehr (P54391)
Lisa A. Brown (P67208)
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**FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT
AND JURY DEMAND**

Plaintiff Intellectual Science and Technology, Inc., by its attorneys, Dykema Gossett PLLC, for its Complaint For Patent Infringement, states as follows:

1. Plaintiff is a Michigan corporation with its principal place of business in Bloomfield Hills, Michigan.
2. Upon information and belief, Defendant JVC Americas Corp. ("JVC") is a Delaware corporation, having its principal place of business at 1700 Valley Road, Wayne, New Jersey 07470.

3. This action arises under United States patent laws, 35 U. S. C. § 1 *et seq.* The Court has jurisdiction under 28 U. S. C. §§ 1331 and 1338.

4. Venue is proper in this district pursuant to 28 U.S.C. § 1391.

5. Plaintiff is the owner by assignment of U. S. Patent No. 5,748,575, which was duly and legally issued on May 5, 1998 (copy attached as Exhibit A), U.S. Patent No. 6,222,799, which was duly and legally issued on April 24, 2001 (copy attached as Exhibit B), U.S. Patent No. 6,662,239, which was duly and legally issued on December 9, 2003 (copy attached as Exhibit C), U.S. Patent No. 6,717,890, which was duly and legally issued on April 6, 2004 (copy attached as Exhibit D), and U.S. Patent No. 6,785,198, which was duly and legally issued on August 31, 2004 (copy attached as Exhibit E) (collectively referred to as "Patents") . The Patents remain valid and enforceable, all required maintenance fees having been paid thereon.

6. Upon information and belief, JVC manufactures, offers for sale and/or sells devices that infringe the Patents including, but not limited to, XL-R5000BKJ, XL-R5000BKC, XL-5000BKB, XL-5000BKU, XL-R5020BK, XL-R5010BK, and XL-R2010BK, that form a material component of the claimed invention of the Patents and are known by JVC to be especially made or especially adapted for use in infringing the Patents. These machines are not staple articles or commodities of commerce suitable for substantial noninfringing use. Further, JVC promotes these machines for use in practicing the claimed invention and otherwise actively induces infringement of the Patents.

7. Upon information and belief, JVC has been, and still is, directly infringing the Patents, contributing to the infringement of the Patents and willfully inducing others to infringe the Patents.

8. Plaintiff has sustained money damages as a result of the conduct of JVC.

9. Plaintiff has been, and will continue to be, damaged and irreparably harmed by the conduct of JVC unless it is enjoined by this Court.

Therefore, Plaintiff asks the Court to:

- A. Enjoin JVC from contributing to or otherwise inducing infringement of Plaintiff's Patents;
- B. Award Plaintiff damages adequate to compensate for the infringement but, in no event less than a reasonable royalty for the use made of the invention by the infringer, together with interest and costs as fixed by the Court pursuant to 35 U. S. C. § 284;
- C. Increase the damages three times for Defendant's willful infringement pursuant to 35 U. S. C. § 284;
- D. Award Plaintiff its reasonable attorneys fees in accordance with 35 U. S. C. § 285;
- E. Award Plaintiff all other relief to which it is entitled.

JURY DEMAND

Plaintiff demands a trial by jury.

Dated: April 17, 2006

Respectfully submitted,

DYKEMA GOSSETT PLLC

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CERTIFICATE OF SERVICE

I hereby certify that on April 17, 2006, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification to Marjory G. Basile and Catherine T. Dobrowitsky, Miller Canfield Paddock & Stone, PLC, 150 W. Jefferson Avenue, Suite 2500, Detroit, MI 48226.

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